

**UNITED STATE OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 21**

**CYTEC PROCESS MATERIALS (CA) INC. /
SOURCE ONE STAFFING, LLC,**

Employer,

Case 21-RC-185937

and

**INTERNATIONAL ASSOCIATION OF
MACHINISTS & AEROSPACE WORKERS,
AFL-CIO, DISTRICT LODGE 725,**

Petitioner.

_____ /

REQUEST FOR REVIEW

Cytec Process Materials (CA) Inc. (“Cytec”) files this Request for Review with the National Labor Relations Board (“the Board” or “NLRB”) seeking review of the Regional Director’s “Corrected Certification of Representative” in this case. The Regional Director improperly corrected the original Certification of Representative to include the unit in a previously existing unit without proper notice to the unit in violation of Board policy and procedure. The original certification, therefore, which created a new unit of jointly employed temporary workers was proper and consistent with the Notice of Election provided to eligible voters. The Regional Director’s correction was more than a clerical error as it directly changed the scope of the bargaining unit. Accordingly, any change to the certification must be done by petition.

Cytec’s Request for Review is timely filed within 14-days of the Regional Director’s Order Denying Cytec’s Motion for Reconsideration, dated January 12, 2017.

BACKGROUND FACTS

In 2016, the International Association of Machinists and Aerospace Workers, District Lodge 725, AFL-CIO (the “Union” or the “IAM”) began to organize Cytec’s facility in Santa Fe Springs, California. Between February and April 2016, the IAM filed four separate RC petitions to represent four separate bargaining units of Cytec employees. After elections, the Union was certified as the bargaining representative for the following units:

- All full-time and regular part-time machine operators in the Technology Department (certified on February 23, 2016);
- All full-time and regular part-time conversion specialists in the Manufacturing Department (certified on March 16, 2016);
- All full-time and regular part-time quality assurance inspectors (certified on April 14, 2016); and
- All full-time and regular part-time receiving clerks, shipping clerks, forklift drivers/order pullers, and packers in the Shipping/Receiving Department (certified on April 14, 2016)

The elections were conducted pursuant to stipulated election agreements, and Cytec did not actively campaign against the Union in any of the above elections.

On October 11, 2016, the Union filed its fifth RC petition regarding employees at the Santa Fe Springs facility. **(Exhibit A)**. The RC petition described the proposed unit as:

Included: All joint employees of Source One Staffing and Cytec assigned to work at Cytec (Santa Fe)

Excluded: All others.

Like the other RC petitions the Union had filed involving Cytec employees, this RC petition, on its face, sought a separate unit comprised of all employees jointly employed by Cytec/Source

One. The RC petition did not seek to have the proposed unit of temporary employees treated as a residual unit to be added to the existing Technology Department unit, or any other unit.

During negotiations for a Stipulated Election Agreement, Cytec operated under the understanding that, consistent with the previous elections, that the Union was seeking to represent a fifth unit of its employees. The issue of whether the proposed unit would be combined with one of the already existing units was never specifically raised or discussed. Indeed, the Union distanced itself from any notion that it only sought to represent jointly employed temporary employees in the Technology Department.

On October 17, 2016, the Board Field Attorney assigned to this case emailed counsel for Cytec, Source One, and the Union:

Additionally, the Union does not limit its petitioned for unit to the description sent earlier providing that it sought machine operators in the Technology department that are jointly employed by Cytec and Source One Staffing. It is seeking all jointly employed employees. I believe this might look something like:

INCLUDING: All full-time and regular part-time employees jointly employed by Cytec Industrial Materials (CA) Inc. and Source One Staffing at Cytec Industrial Materials (CA) Inc.'s facility currently located at 12801 Ann Street, Santa Fe Springs, California 90670.

EXCLUDING: All other employees, office clerical employees, professional employees, managerial employees, confidential employees, guards and supervisor as defined in the Act

(Exhibit B). Counsel for Cytec responded that: "Cytec does not object to the Union's proposed unit description." There were no additional negotiations regarding the scope of the unit or any specific negotiations, and the issue of whether the proposed unit would be voting to join an existing unit was never specifically discussed. Cytec again believed that the Union was seeking to represent a separate, fifth, bargaining unit of jointly employed Cytec and Source One employees.

On October 18, 2016, the parties executed a Stipulated Election Agreement. **(Exhibit C).** The Stipulated Election Agreement contained the agreed upon unit description, but also contained the language the Board generally requires in Armour-Globe elections. The inclusion of this language was never specifically discussed or negotiated, and Cytec, through its counsel, inadvertently agreed to it.

The language of the Notice of Election, however, provided to the employers on October 21, 2016 by Region 21, was consistent with Cytec's understanding of the nature of the election. **(Exhibit D).** The Notice of Election identified the proposed unit in a manner consistent with the RC petition and Stipulated Election Agreement and contained no reference to the inclusion of this bargaining unit in an already existing unit. The Notice of Election did not contain the required language explaining the nature of an Armour-Globe election.

An election was held on October 27, 2017. The ballot language simply asked voters:

Do you wish to be represented for purposes of collective bargaining by International Association of Machinists & Aerospace Workers, AFL-CIO, District 725?

A majority of employees that voted cast their ballots in favor of representation by the IAM.

On November 14, 2016, the Regional Director issued his original Certification of Representative certifying the IAM as the bargaining representative for the unit:

INCLUDING: All full-time and regular part-time employees jointly employed by Cytec Process Materials (CA) Inc. and Source One Staffing, LLC at Cytec Process Materials (CA) Inc.'s facility currently located at 12801 Ann Street, Santa Fe Springs, California 90670.

EXCLUDING: All other employees of either Cytec Process Materials (CA) Inc. or Source One Staffing LLC, office clerical employees, professional employees, managerial employees, confidential employees, guards and supervisor as defined in the Act.

(Exhibit E). This unit description is identical to the unit description in the Union’s RC petition and the parties’ Stipulated Election Agreement. Again, the original Certification of Representative, consistent with the Notice of Election, made no reference to the unit of jointly employed temporary employees joining the existing unit of machine operators in the Technology Department. Indeed, it is consistent with Cytec’s understanding of the proposed unit.

On December 16, 2016, the Regional Director issued a “Corrected-Certification of Representative.” **(Exhibit F).** This unit description in the corrected certification is identical to the unit description in the parties’ Stipulated Election Agreement and the original Certification of Representative. The Corrected Certification of Representative, however, included the following interpretation:

Because a majority of valid ballots were cast for INTERNATIONAL ASSOCIATION OF MACHINISTS & AEROSPACE WORKERS, AFL-CIO, DISTRICT LODGE 725, the employees in the unit described above are included in the existing unit of all full-time and regular part-time machine operators in the Technology Department currently represented by INTERNATIONAL ASSOCIATION OF MACHINISTS & AEROSPACE WORKERS, AFL-CIO, DISTRICT LODGE 725.

Cytec received the “Corrected-Certification of Representative” on December 28, 2016, and submitted a Motion for Reconsideration to the Regional Director in letter form on January 4, 2017. The Regional Director issued an Order Denying Motion for Reconsideration on January 12, 2017, relying on the language of the stipulated election agreement. **(Exhibit G).** This Request for Review was filed within 14-days of the Regional Director’s Order.

DISCUSSION

The Board’s Rules provide that upon the filing of a request with the Board by any interested person, the Board may review any action of a regional director delegated to him under

Section 3(b) of the Act. 29 C.F.R. §102.67(c). The certification of election results is among the duties that may be delegated to a Regional Director 29 U.S.C. §153(b).

The Board should grant review when:

(1) A substantial question of law or policy is raised because of:

(i) The absence of; or

(ii) A departure from, officially reported Board precedent.

(2) The regional director's decision on a substantial factual issue is clearly erroneous on the record and such error prejudicially affects the rights of a party.

(3) The conduct of any hearing or any ruling made in connection with the proceeding has resulted in prejudicial error.

(4) There are compelling reasons for reconsideration of an important Board rule or policy.

29 C.F.R. §102.67(d). The facts of this case, as laid out above, demonstrate that the practice in this election departed from Board precedent and procedure with prejudicial effect, for both Cytec and the employees in the bargaining unit.

An election in which a union seeks to add a group of unrepresented employees to its existing unit is commonly referred to as an Armour-Globe election. *Armour & Co.*, 40 NLRB 1332 (1942); *Globe Machine & Stamping Co.*, 3 NLRB 294 (1937). The Board has held that the intent of the Armour-Globe election is to create a self-determination election process to allow unrepresented employees to become part of the existing represented group of represented employees. *Beloit Corp.*, 310 N.L.R.B. 637, 637 (1993).

Critical to this self-determination process, however, is notice to employees. Board policy requires that the unrepresented employees be provided notice that they are voting

on joining an already existing unit and not voting to create a new unit. The Board's Casehandling Manual requires that the Notice of Election in Armour-Globe elections contain language explaining that if a majority of voters seek representation that they will be included in the larger unit. (Casehandling Manual §11314.5).

The reasons for this notice requirement are obvious. Voters have a right to be informed that they are indeed voting to join an existing unit. Employees may not find joining an already existing, and usually much larger, unit to be desirable. The employees may think that the existing unit is too large, does not share their interests or identity, or otherwise believe that the larger unit is not in their own best self-interest. The Board's Armour-Globe procedure recognizes that an Armour-Globe election cannot truly be self-determinative if the employees are not informed of the effects of their vote in advance.

In this case, the Notice of Election to the eligible voters lacked the required Armour-Globe language. As a result, the voters had no notice that they were voting not only on whether they wished to be represented by the IAM, as the simple ballot language read, but, in fact, were voting on whether they wanted to be represented by the IAM in the already existing unit of machine operators in the Technology Department. There was no way that eligible voters would know this. The unit description in the Notice of Election reads as if the employees were voting on creating their own bargaining unit. This unit description is identical to the unit described in the RC petition. The eligible voters in this election had no notice that this was an Armour-Globe election.

In light of this failure, the Regional Director properly issued the original Certification of Representative that certified the IAM as the bargaining representative for a separate unit that consisted only of the temporary employees jointly employed by both Cytec and

Source One. The original certification is consistent with the Notice of Election and the question posed to the unit employees on the ballot.

In his Order denying Cytec's Motion for Reconsideration, the Regional Director held that the "Corrected-Certification of Representative" merely corrected a clerical error. The facts of this case, however, suggest that the failure to include the Armour-Globe language in the original certification was not an error. A more plausible explanation is that everyone understood that the Union sought to represent the joint employees of Cytec and Source One as a stand-alone unit. After all, even the Regional Director's Notice of Election failed to contain the Armour-Guard language and called for a stand-alone unit. Moreover, the language of the Notice of Election and the original Certification do not stand alone, but are consistent with the unit description in the RC petition, the IAM's position that they wished to represent all jointly employed employees and not simply those in the Technology Department, and the unit description in the Stipulated Election Agreement.

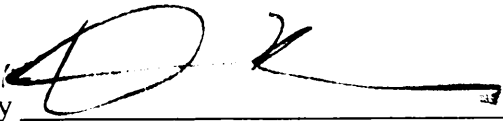
In this light, the inclusion of the Armour-Globe language in the Stipulated Election Agreement appears to have been the error. Although Cytec mistakenly agreed to include Armour-Globe language in the Stipulated Settlement Agreement, the parties did not intend for this election to be an Armour-Globe election. Moreover, the employer's agreement cannot waive the employees' right to be provided advance notice of the nature of the election and the true identity of the bargaining unit they were voting to join.

CONCLUSION

In light of the above, the Board should grant Cytec's Request for Review and direct the Regional Director to withdraw his "Corrected-Certification of Representative" and reinstate his original certification of the IAM as the certified bargaining representative for a unit consisting only of all employees jointly employed by Cytec and Source One.

MILLER JOHNSON
Attorneys for Employer

Dated: January 26, 2017

By  _____

David M. Buday (P43087)

Business Address:

Radisson Plaza Hotel & Suites
100 West Michigan Avenue, Suite 200
Kalamazoo, MI 49007-3960

Telephone: (269) 226-2952

Exhibit A

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
RC PETITION

DO NOT WRITE IN THIS SPACE	
Case No	Date Filed

INSTRUCTIONS: Unless e-Filed using the Agency's website, www.nlr.gov, submit an original of this Petition to an NLRB office in the Region in which the employer concerned is located. The petition must be accompanied by both a showing of interest (see 6b below) and a certificate of service showing service on the employer and all other parties named in the petition of: (1) the petition; (2) Statement of Position form (Form NLRB-505); and (3) Description of Representation Case Procedures (Form NLRB 4812). The showing of interest should only be filed with the NLRB and should not be served on the employer or any other party.

1 PURPOSE OF THIS PETITION RC-CERTIFICATION OF REPRESENTATIVE - A substantial number of employees wish to be represented for purposes of collective bargaining by Petitioner and Petitioner desires to be certified as representative of the employees. The Petitioner alleges that the following circumstances exist and requests that the National Labor Relations Board proceed under its proper authority pursuant to Section 9 of the National Labor Relations Act.

2a Name of Employer
Cytec Industrial Materials (CA) Inc./Source One Staffing

2b Address(es) of Establishment(s) involved (Street and number, city, State, ZIP code)
12801 Ann St Santa Fe Springs, CA 90670/10 Centerpointe Dr, Suite 6, La Palma, CA 90623

3a. Employer Representative - Name and Title
Rosa Bross, HR @Cytec/Violet Arian Staffing@Source One

3b Address (If same as 2b - state same)
Same/Same

3c Tel No Rosa Bross-562-906-3300
Violet Arian 714-690-4922

3d Cell No

3e Fax No Rosa Bross (562) 941-9505
Violet Arian 714-690-4919

3f E-Mail Address
rosa.bross@cytec.com /

4a Type of Establishment (Factory, mine, wholesaler, etc)
Factory

4b Principal product or service
Assembly of plastic/composite pieces

5a City and State where unit is located
Santa Fe Springs, CA

5b Description of Unit Involved
Included: All joint employees of Source One Staffing and Cytec assigned to work at Cytec (Santa Fe)
Excluded: All others.

6a No of Employees in Unit
8

6b Do a substantial number (30% or more) of the employees in the unit wish to be represented by the Petitioner? Yes ☒ No ☐

Check One: ☒ **7a Request for recognition as Bargaining Representative was made on (Date)** By Petition and Employer declined recognition on or about _____ (Date) (If no reply received, so state)

☐ **7b Petitioner is currently recognized as Bargaining Representative and desires certification under the Act**

8a Name of Recognized or Certified Bargaining Agent (If none, so state)

8b Address

8c Tel No

8d Cell No

8e Fax No

8f E-Mail Address

8g Affiliation, if any

8h Date of Recognition or Certification

8i Expiration Date of Current or Most Recent Contract, if any (Month, Day, Year)

9 Is there now a strike or picketing at the Employer's establishment(s) involved? _____ If so, approximately how many employees are participating? _____
(Name of labor organization) _____ has picketed the Employer since (Month, Day, Year) _____

10 Organizations or individuals other than Petitioner and those named in items 8 and 9, which have claimed recognition as representatives and other organizations and individuals known to have a representative interest in any employees in the unit described in item 5b above (If none, so state)

10a Name

10b Address

10c Tel No

10d Cell No

10e Fax No

10f E-Mail Address

11 Election Details: If the NLRB conducts an election in this matter, state your position with respect to any such election

11a Election Type ☒ Manual ☐ Mail ☐ Mixed Manual/Mail

11b Election Date(s)
Thursday October 20, 2016

11c Election Time(s)
2 00PM 3 30PM

11d Election Location(s)
Conference room on the employers premises

12a. Full Name of Petitioner (including local name and number)
International Association of Machinists and Aerospace Workers, District Lodge 725, AFL-CIO

12b Address (street and number, city, state, and ZIP code)
39047 10th Street East, Palmdale, CA 93550

12c Full name of national or international labor organization of which Petitioner is an affiliate or constituent (if none, so state)
International Association of Machinists and Aerospace Workers, AFL-CIO

12d Tel No
(661) 273-1433

12e Cell No
(602) 327-5410

12f Fax No
(661) 273-3813

12g E-Mail Address
svanwie@iam725.org

13. Representative of the Petitioner who will accept service of all papers for purposes of the representation proceeding.

13a Name and Title **Caren P. Sencer, Attorney**

13b Address (street and number, city, state, and ZIP code)
Wernberg, Roger & Rosenfeld 1001 Marina Village Parkway, Suite 200, Alameda, CA 94501

13c Tel No
510-337-1001

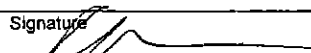
13d Cell No

13e Fax No
510-337-1023

13f E-Mail Address
nlrnotices@unioncounsel.net, csencer@unioncounsel.net

I declare that I have read the above petition and that the statements are true to the best of my knowledge and belief.

Name (Print)
Caren P. Sencer

Signature 

Title
Attorney

Date
October 10, 2016

WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary, however, failure to supply the information will cause the NLRB to decline to invoke its processes.

1/885123

Exhibit B

Ripple, Gregory P.

From: Ripple, Gregory P.
Sent: Tuesday, October 18, 2016 9:34 AM
To: 'Lopez, Bryan'; Buday, David M.; Amendola, Anthony
Subject: RE: Cytec and Source One Staffing Petition Update

Mr. Lopez,

Cytec has no objection to the 2:00pm – 3:30pm polling time. It is our understanding, however, that all employees in the proposed unit work second shift (2:30 – 11:00pm) and there are no first shift employees.

Cytec would propose an election date of Friday, October 28, 2016.

Cytec does not object to the Union's proposed unit description.

From: Lopez, Bryan [<mailto:Bryan.Lopez@nrlrb.gov>]
Sent: Monday, October 17, 2016 5:38 PM
To: Ripple, Gregory P.; Buday, David M.; Amendola, Anthony
Subject: Cytec and Source One Staffing Petition Update

Messrs. Ripple, Buday, and Amendola,

In response to Cytec's proposal to change the election hours to start at 2:30 p.m., the Union states that it would prefer to maintain the petitioned for hour of 2:00 p.m. to 3:30 p.m., in order to permit first shift or day shift employees to cast a vote prior to the start of the second shift of employees.

Additionally, the Union does not limit its petitioned for unit to the description sent earlier providing that it sought machine operators in the Technology department that are jointly employed

by Cytec and Source One Staffing. It is seeking all jointly employed employees. I believe this might look something like:

INCLUDING: All full-time and regular part-time employees jointly employed by Cytec Industrial Materials (CA) Inc. and Source One Staffing at Cytec Industrial Materials (CA) Inc.'s facility currently located at 12801 Ann Street, Santa Fe Springs, California 90670.

EXCLUDING: All other employees, office clerical employees, professional employees, managerial employees, confidential employees, guards and supervisor as defined in the Act

Please let me know your thoughts or positions on the matters.

Thank you,
Bryan Lopez, Field Attorney
National Labor Relations Board, Region 21
888 S. Figueroa St., 9th Floor
Los Angeles, CA 90017
Phone: 213-634-6418
Fax: 213-894-2778

Exhibit C

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
STIPULATED ELECTION AGREEMENT

**CYTEC PROCESS MATERIALS (CA) INC./SOURCE ONE
STAFFING, LLC**

Case 21-RC-185937

The parties **AGREE AS FOLLOWS:**

1. PROCEDURAL MATTERS. The parties waive their right to a hearing and agree that any notice of hearing previously issued in this matter is withdrawn, that the petition is amended to conform to this Agreement, and that the record of this case shall include this Agreement and be governed by the Board's Rules and Regulations.

2. COMMERCE. The Joint Employers, Cytec Process Materials (CA) Inc. and Source One Staffing, LLC, are engaged in commerce within the meaning of Section 2(6) and (7) of the National Labor Relations Act and a question affecting commerce has arisen concerning the representation of employees within the meaning of Section 9(c).

Cytec Process Materials (CA) Inc., a California corporation with an office and place of business in Santa Fe Springs, California, and is engaged in the manufacturing and distribution of materials for the aerospace and wind energy markets. During the past 12 months, a representative period, Cytec Process Materials (CA) Inc. purchased and received at its Santa Fe Springs, California facility goods in excess of \$50,000 directly from points outside the State of California.

Source One Staffing, LLC, a California limited liability company with an office and place of business in Irwindale, California, is engaged in the business of providing temporary staffing agency services. During the past 12 months, a representative period, Source One Staffing performed services valued in excess of \$50,000 for public utilities, transit systems, newspapers, healthcare institutions, broadcasting stations, commercial buildings, and educational institutions.

Cytec Process Materials (CA) Inc. and Source One Staffing, LLC, are joint employers of certain employees of Cytec Process Materials (CA) Inc. and Source One Staffing, LLC employed at Cytec Process Materials (CA) Inc.'s Santa Fe Springs, California facility.

3. LABOR ORGANIZATION. The Petitioner is an organization in which employees participate, and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work and is a labor organization within the meaning of Section 2(5) of the Act.

4. ELECTION. A secret-ballot election under the Board's Rules and Regulations shall be held under the supervision of the Regional Director on the date and at the hours and places specified below.

DATE: October 27, 2016 **HOURS:** 2:00 p.m. to 3:30 p.m.

PLACE: In the conference room at the Cytec Process Materials (CA) Inc.'s facility located at 12801 Ann Street, Santa Fe Springs, California 90670

If the election is postponed or canceled, the Regional Director, in his or her discretion, may reschedule the date, time, and place of the election.

Initials: 

5. UNIT AND ELIGIBLE VOTERS. The following unit is appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

INCLUDING: All full-time and regular part-time employees jointly employed by Cytec Process Materials (CA) Inc. and Source One Staffing, LLC at Cytec Process Materials (CA) Inc.'s facility currently located at 12801 Ann Street, Santa Fe Springs, California 90670.

EXCLUDING: All other employees of either Cytec Process Materials (CA) Inc. or Source One Staffing LLC, office clerical employees, professional employees, managerial employees, confidential employees, guards and supervisor as defined in the Act

Those eligible to vote in the election are employees in the above unit who were employed during the **payroll period ending October 16, 2016**, including employees who did not work during that period because they were ill, on vacation, or were temporarily laid off.

Employees engaged in any economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, employees engaged in an economic strike which commenced less than 12 months before the election date, who have retained their status as strikers but who have been permanently replaced, as well as their replacements are eligible to vote. Employees who are otherwise eligible but who are in the military services of the United States may vote if they appear in person at the polls or by mail as described above in paragraph 4.

Ineligible to vote are (1) employees who have quit or been discharged for cause after the designated payroll period for eligibility, (2) employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and (3) employees engaged in an economic strike which began more than 12 months before the election date who have been permanently replaced.

6. VOTER LIST. Within 2 business days after the Regional Director has approved this Agreement, the Joint Employers must provide to the Regional Director and all of the other parties a voter list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available personal home and cellular telephone numbers) of all eligible voters. The Joint Employers must also include, in a separate section of that list, the same information for those individuals whom the parties have agreed should be permitted to vote subject to challenge. The list must be filed in common, everyday electronic file formats that can be searched. Unless otherwise agreed to by the parties, the list must be provided in a table in a Microsoft Word file (.doc or docx) or a file that is compatible with Microsoft Word (.doc or docx). The first column of the list must begin with each employee's last name and the list must be alphabetized (overall or by department) by last name. The font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. When feasible, the list must be filed electronically with the Regional Director and served electronically on the parties. The Joint Employers must file with the Regional Director a certificate of service of the list on all parties.

7. THE BALLOT. The Regional Director, in his or her discretion, will decide the language(s) to be used on the election ballot. All parties should notify the Region as soon as possible of the need to have the Notice of Election and/or ballots translated.

The question on the ballot will be "Do you wish to be represented for purposes of collective bargaining by INTERNATIONAL ASSOCIATION OF MACHINISTS & AEROSPACE WORKERS, AFL-CIO, DISTRICT LODGE 725?" The choices on the ballot will be "Yes" or "No".

Initials: 

If a majority of valid ballots are cast for INTERNATIONAL ASSOCIATION OF MACHINISTS & AEROSPACE WORKERS, AFL-CIO, DISTRICT LODGE 725, they will be taken to have indicated the employees' desire to be included in the existing unit of all full-time and regular part-time machine operators in the Technology Department currently represented by INTERNATIONAL ASSOCIATION OF MACHINISTS & AEROSPACE WORKERS, AFL-CIO, DISTRICT LODGE 725. If a majority of valid ballots are not cast for representation, they will be taken to have indicated the employees' desire to remain unrepresented.

8. NOTICE OF ELECTION. The Regional Director, in his or her discretion, will decide the language(s) to be used on the Notice of Election. The Joint Employers must post copies of the Notice of Election in conspicuous places, including all places where notices to employees in the unit are customarily posted, at least three (3) full working days prior to 12:01 a.m. of the day of the election. The Joint Employers must also distribute the Notice of Election electronically, if the Joint Employers customarily communicate with employees in the unit electronically. Failure to post or distribute the Notice of Election as required shall be grounds for setting aside the election whenever proper and timely objections are filed.

9. NOTICE OF ELECTION ONSITE REPRESENTATIVE. The following individual will serve as the Joint Employer's designated Notice of Election onsite representative: Rosa Bross, Human Resources Manager, 12801 Ann Street, Santa Fe Springs, California 90670 rosa.bross@solvay.com, ph: 562-941-9505

10. ACCOMMODATIONS REQUIRED. All parties should notify the Region as soon as possible of any voters, potential voters, or other participants in this election who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.503, and who in order to participate in the election need appropriate auxiliary aids, as defined in 29 C.F.R. 100.503, and request the necessary assistance.

11. OBSERVERS. Each party may station an equal number of authorized, nonsupervisory-employee observers at the polling places to assist in the election, to challenge the eligibility of voters, and to verify the tally.

12. TALLY OF BALLOTS. Upon conclusion of the election, the ballots will be counted and a tally of ballots prepared and immediately made available to the parties.

13. POSTELECTION AND RUNOFF PROCEDURES. All procedures after the ballots are counted shall conform with the Board's Rules and Regulations.

**CYTEC INDUSTRIAL MATERIALS (CA)
INC.**

(Joint Employer)

By

(Name)

(Date)

[Signature] 10/18/16

**INTERNATIONAL ASSOCIATION OF
MACHINISTS & AEROSPACE WORKERS,
AFL-CIO, DISTRICT LODGE 725**

(Petitioner)

By

(Name)

(Date)

Initials: *OPA*

SOURCE ONE STAFFING, LLC

(Joint Employer)

By _____

Recommended:

 10/18/16
BRYAN LOPEZ, Field Attorney (Date)

Date approved:

10-19-16



Regional Director, Region 21
National Labor Relations Board

1
/

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
STIPULATED ELECTION AGREEMENT

**CYTEC PROCESS MATERIALS (CA) INC./SOURCE ONE
STAFFING, LLC**

Case 21-RC-185937

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2. COMMERCE. The Joint Employers, Cytec Process Materials (CA) Inc. and Source One Staffing, LLC, are engaged in commerce within the meaning of Section 2(6) and (7) of the National Labor Relations Act and a question affecting commerce has arisen concerning the representation of employees within the meaning of Section 9(c).

Cytec Process Materials (CA) Inc., a California corporation with an office and place of business in Santa Fe Springs, California, and is engaged in the manufacturing and distribution of materials for the aerospace and wind energy markets. During the past 12 months, a representative period, Cytec Process Materials (CA) Inc. purchased and received at its Santa Fe Springs, California facility goods in excess of \$50,000 directly from points outside the State of California.

Source One Staffing, LLC, a California limited liability company with an office and place of business in Irwindale, California, is engaged in the business of providing temporary staffing agency services. During the past 12 months, a representative period, Source One Staffing performed services valued in excess of \$50,000 for public utilities, transit systems, newspapers, healthcare institutions, broadcasting stations, commercial buildings, and educational institutions.

Cytec Process Materials (CA) Inc. and Source One Staffing, LLC, are joint employers of certain employees of Cytec Process Materials (CA) Inc. and Source One Staffing, LLC employed at Cytec Process Materials (CA) Inc.'s Santa Fe Springs, California facility,

3. LABOR ORGANIZATION. The Petitioner is an organization in which employees participate, and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work and is a labor organization within the meaning of Section 2(5) of the Act.

4. ELECTION. A secret-ballot election under the Board's Rules and Regulations shall be held under the supervision of the Regional Director on the date and at the hours and places specified below.

DATE: October 27, 2016

HOURS: 2:00 p.m. to 3:30 p.m.

PLACE: In the conference room at the Cytec Process Materials (CA) Inc.'s facility located at 12801 Ann Street, Santa Fe Springs, California 90670

If the election is postponed or canceled, the Regional Director, in his or her discretion, may reschedule the date, time, and place of the election.

5. UNIT AND ELIGIBLE VOTERS. The following unit is appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

INCLUDING: All full-time and regular part-time employees jointly employed by Cytec Process Materials (CA) Inc. and Source One Staffing, LLC at Cytec Process Materials (CA) Inc.'s facility currently located at 12801 Ann Street, Santa Fe Springs, California 90670.

EXCLUDING: All other employees of either Cytec Process Materials (CA) Inc. or Source One Staffing LLC, office clerical employees, professional employees, managerial employees, confidential employees, guards and supervisor as defined in the Act

Those eligible to vote in the election are employees in the above unit who were employed during the payroll period ending October 16, 2016, including employees who did not work during that period because they were ill, on vacation, or were temporarily laid off.

Employees engaged in any economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, employees engaged in an economic strike which commenced less than 12 months before the election date, who have retained their status as strikers but who have been permanently replaced, as well as their replacements are eligible to vote. Employees who are otherwise eligible but who are in the military services of the United States may vote if they appear in person at the polls or by mail as described above in paragraph 4.

Ineligible to vote are (1) employees who have quit or been discharged for cause after the designated payroll period for eligibility, (2) employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and (3) employees engaged in an economic strike which began more than 12 months before the election date who have been permanently replaced.

6. VOTER LIST. Within 2 business days after the Regional Director has approved this Agreement, the Joint Employers must provide to the Regional Director and all of the other parties a voter list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available personal home and cellular telephone numbers) of all eligible voters. The Joint Employers must also include, in a separate section of that list, the same information for those individuals whom the parties have agreed should be permitted to vote subject to challenge. The list must be filed in common, everyday electronic file formats that can be searched. Unless otherwise agreed to by the parties, the list must be provided in a table in a Microsoft Word file (.doc or docx) or a file that is compatible with Microsoft Word (.doc or docx). The first column of the list must begin with each employee's last name and the list must be alphabetized (overall or by department) by last name. The font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. When feasible, the list must be filed electronically with the Regional Director and served electronically on the parties. The Joint Employers must file with the Regional Director a certificate of service of the list on all parties.

7. THE BALLOT The Regional Director, in his or her discretion, will decide the language(s) to be used on the election ballot. All parties should notify the Region as soon as possible of the need to have the Notice of Election and/or ballots translated.

The question on the ballot will be "Do you wish to be represented for purposes of collective bargaining by INTERNATIONAL ASSOCIATION OF MACHINISTS & AEROSPACE WORKERS, AFL-CIO, DISTRICT LODGE 725?" The choices on the ballot will be "Yes" or "No"

Initials: 

If a majority of valid ballots are cast for INTERNATIONAL ASSOCIATION OF MACHINISTS & AEROSPACE WORKERS, AFL-CIO, DISTRICT LODGE 725, they will be taken to have indicated the employees' desire to be included in the existing unit of all full-time and regular part-time machine operators in the Technology Department currently represented by INTERNATIONAL ASSOCIATION OF MACHINISTS & AEROSPACE WORKERS, AFL-CIO, DISTRICT LODGE 725. If a majority of valid ballots are not cast for representation, they will be taken to have indicated the employees' desire to remain unrepresented.

8. NOTICE OF ELECTION. The Regional Director, in his or her discretion, will decide the language(s) to be used on the Notice of Election. The Joint Employers must post copies of the Notice of Election in conspicuous places, including all places where notices to employees in the unit are customarily posted, at least three (3) full working days prior to 12:01 a.m. of the day of the election. The Joint Employers must also distribute the Notice of Election electronically, if the Joint Employers customarily communicate with employees in the unit electronically. Failure to post or distribute the Notice of Election as required shall be grounds for setting aside the election whenever proper and timely objections are filed.

9. NOTICE OF ELECTION ONSITE REPRESENTATIVE. The following individual will serve as the Joint Employer's designated Notice of Election onsite representative: Rosa Bross, Human Resources Manager, 12801 Ann Street, Santa Fe Springs, California 90670 rosa.bross@solvay.com, ph: 562-941-9505

10. ACCOMMODATIONS REQUIRED. All parties should notify the Region as soon as possible of any voters, potential voters, or other participants in this election who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.503, and who in order to participate in the election need appropriate auxiliary aids, as defined in 29 C.F.R. 100.503, and request the necessary assistance.

11. OBSERVERS. Each party may station an equal number of authorized, nonsupervisory-employee observers at the polling places to assist in the election, to challenge the eligibility of voters, and to verify the tally.

12. TALLY OF BALLOTS. Upon conclusion of the election, the ballots will be counted and a tally of ballots prepared and immediately made available to the parties.

13. POSTELECTION AND RUNOFF PROCEDURES. All procedures after the ballots are counted shall conform with the Board's Rules and Regulations.

**CYTEC INDUSTRIAL MATERIALS (CA)
INC.**

(Joint Employer)

**INTERNATIONAL ASSOCIATION OF
MACHINISTS & AEROSPACE WORKERS,
AFL-CIO, DISTRICT LODGE 725**

(Petitioner)

By

(Name)

(Date)

By

(Name)

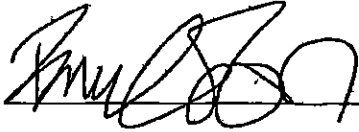
(Date)

Initials: 

SOURCE ONE STAFFING, LLC

(Joint Employer)

By



10-18-16

Recommended:



10/18/16

BRYAN LOPEZ, Field Attorney (Date)

Date approved:

10-19-16



Regional Director, Region 21

National Labor Relations Board

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
STIPULATED ELECTION AGREEMENT

**CYTEC PROCESS MATERIALS (CA) INC./SOURCE ONE
STAFFING, LLC**

Case 21-RC-185937

The parties **AGREE AS FOLLOWS:**

1. PROCEDURAL MATTERS. The parties waive their right to a hearing and agree that any notice of hearing previously issued in this matter is withdrawn, that the petition is amended to conform to this Agreement, and that the record of this case shall include this Agreement and be governed by the Board's Rules and Regulations.

2. COMMERCE. The Joint Employers, Cytec Process Materials (CA) Inc. and Source One Staffing, LLC, are engaged in commerce within the meaning of Section 2(6) and (7) of the National Labor Relations Act and a question affecting commerce has arisen concerning the representation of employees within the meaning of Section 9(c).

Cytec Process Materials (CA) Inc., a California corporation with an office and place of business in Santa Fe Springs, California, and is engaged in the manufacturing and distribution of materials for the aerospace and wind energy markets. During the past 12 months, a representative period, Cytec Process Materials (CA) Inc. purchased and received at its Santa Fe Springs, California facility goods in excess of \$50,000 directly from points outside the State of California.

Source One Staffing, LLC, a California limited liability company with an office and place of business in Irwindale, California, is engaged in the business of providing temporary staffing agency services. During the past 12 months, a representative period, Source One Staffing performed services valued in excess of \$50,000 for public utilities, transit systems, newspapers, healthcare institutions, broadcasting stations, commercial buildings, and educational institutions.

Cytec Process Materials (CA) Inc. and Source One Staffing, LLC, are joint employers of certain employees of Cytec Process Materials (CA) Inc. and Source One Staffing, LLC employed at Cytec Process Materials (CA) Inc.'s Santa Fe Springs, California facility,

3. LABOR ORGANIZATION. The Petitioner is an organization in which employees participate, and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work and is a labor organization within the meaning of Section 2(5) of the Act.

4. ELECTION. A secret-ballot election under the Board's Rules and Regulations shall be held under the supervision of the Regional Director on the date and at the hours and places specified below.

DATE: October 27, 2016

HOURS: 2:00 p.m. to 3:30 p.m.

PLACE: In the conference room at the Cytec Process Materials (CA) Inc.'s facility located at 12801 Ann Street, Santa Fe Springs, California 90670

If the election is postponed or canceled, the Regional Director, in his or her discretion, may reschedule the date, time, and place of the election.

Initials: CPS 9/18
Page 1

5. UNIT AND ELIGIBLE VOTERS. The following unit is appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

INCLUDING: All full-time and regular part-time employees jointly employed by Cytec Process Materials (CA) Inc. and Source One Staffing, LLC at Cytec Process Materials (CA) Inc.'s facility currently located at 12801 Ann Street, Santa Fe Springs, California 90670.

EXCLUDING: All other employees of either Cytec Process Materials (CA) Inc. or Source One Staffing LLC, office clerical employees, professional employees, managerial employees, confidential employees, guards and supervisor as defined in the Act

Those eligible to vote in the election are employees in the above unit who were employed during the **payroll period ending October 16, 2016**, including employees who did not work during that period because they were ill, on vacation, or were temporarily laid off.

Employees engaged in any economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, employees engaged in an economic strike which commenced less than 12 months before the election date, who have retained their status as strikers but who have been permanently replaced, as well as their replacements are eligible to vote. Employees who are otherwise eligible but who are in the military services of the United States may vote if they appear in person at the polls or by mail as described above in paragraph 4.

Ineligible to vote are (1) employees who have quit or been discharged for cause after the designated payroll period for eligibility, (2) employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and (3) employees engaged in an economic strike which began more than 12 months before the election date who have been permanently replaced.

6. VOTER LIST. Within 2 business days after the Regional Director has approved this Agreement, the Joint Employers must provide to the Regional Director and all of the other parties a voter list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available personal home and cellular telephone numbers) of all eligible voters. The Joint Employers must also include, in a separate section of that list, the same information for those individuals whom the parties have agreed should be permitted to vote subject to challenge. The list must be filed in common, everyday electronic file formats that can be searched. Unless otherwise agreed to by the parties, the list must be provided in a table in a Microsoft Word file (.doc or docx) or a file that is compatible with Microsoft Word (.doc or docx). The first column of the list must begin with each employee's last name and the list must be alphabetized (overall or by department) by last name. The font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. When feasible, the list must be filed electronically with the Regional Director and served electronically on the parties. The Joint Employers must file with the Regional Director a certificate of service of the list on all parties.

7. THE BALLOT. The Regional Director, in his or her discretion, will decide the language(s) to be used on the election ballot. All parties should notify the Region as soon as possible of the need to have the Notice of Election and/or ballots translated.

The question on the ballot will be "Do you wish to be represented for purposes of collective bargaining by INTERNATIONAL ASSOCIATION OF MACHINISTS & AEROSPACE WORKERS, AFL-CIO, DISTRICT LODGE 725?" The choices on the ballot will be "Yes" or "No"

Initials: ep 10/18

If a majority of valid ballots are cast for INTERNATIONAL ASSOCIATION OF MACHINISTS & AEROSPACE WORKERS, AFL-CIO, DISTRICT LODGE 725, they will be taken to have indicated the employees' desire to be included in the existing unit of all full-time and regular part-time machine operators in the Technology Department currently represented by INTERNATIONAL ASSOCIATION OF MACHINISTS & AEROSPACE WORKERS, AFL-CIO, DISTRICT LODGE 725. If a majority of valid ballots are not cast for representation, they will be taken to have indicated the employees' desire to remain unrepresented.

8. NOTICE OF ELECTION. The Regional Director, in his or her discretion, will decide the language(s) to be used on the Notice of Election. The Joint Employers must post copies of the Notice of Election in conspicuous places, including all places where notices to employees in the unit are customarily posted, at least three (3) full working days prior to 12:01 a.m. of the day of the election. The Joint Employers must also distribute the Notice of Election electronically, if the Joint Employers customarily communicate with employees in the unit electronically. Failure to post or distribute the Notice of Election as required shall be grounds for setting aside the election whenever proper and timely objections are filed.

9. NOTICE OF ELECTION ONSITE REPRESENTATIVE. The following individual will serve as the Joint Employer's designated Notice of Election onsite representative: Rosa Bross, Human Resources Manager, 12801 Ann Street, Santa Fe Springs, California 90670 rosa.bross@solvay.com, ph: 562-941-9505

10. ACCOMMODATIONS REQUIRED. All parties should notify the Region as soon as possible of any voters, potential voters, or other participants in this election who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.503, and who in order to participate in the election need appropriate auxiliary aids, as defined in 29 C.F.R. 100.503, and request the necessary assistance.

11. OBSERVERS. Each party may station an equal number of authorized, nonsupervisory-employee observers at the polling places to assist in the election, to challenge the eligibility of voters, and to verify the tally.

12. TALLY OF BALLOTS. Upon conclusion of the election, the ballots will be counted and a tally of ballots prepared and immediately made available to the parties.

13. POST-ELECTION AND RUNOFF PROCEDURES. All procedures after the ballots are counted shall conform with the Board's Rules and Regulations.

**CYTEC INDUSTRIAL MATERIALS (CA)
INC.**

(Joint Employer)

By

(Name)

(Date)

**INTERNATIONAL ASSOCIATION OF
MACHINISTS & AEROSPACE WORKERS,
AFL-CIO, DISTRICT LODGE 725**

(Petitioner)

By

(Name)

(Date)

10/19/16

Initials: _____

SOURCE ONE STAFFING, LLC

(Joint Employer)

By _____

Recommended:

Bryan Lopez 10/18/16
BRYAN LOPEZ Field Attorney (Date)

Date approved:

10-11-16

William M. Pate
Regional Director, Region 21
National Labor Relations Board

cps 10/18

Exhibit D



United States of America
National Labor Relations Board
NOTICE OF ELECTION



VOTING UNIT

EMPLOYEES ELIGIBLE TO VOTE:

Those eligible to vote are: All full-time and regular part-time employees jointly employed by Cytec Process Materials (CA) Inc. and Source One Staffing, LLC at Cytec Process Materials (CA) Inc.'s facility currently located at 12801 Ann Street, Santa Fe Springs, California 90670, during the payroll period ending October 16, 2016.



EMPLOYEES NOT ELIGIBLE TO VOTE:

Those not eligible to vote are: All other employees of either Cytec Process Materials (CA) Inc. or Source One Staffing LLC, office clerical employees, professional employees, managerial employees, confidential employees, guards and supervisor as defined in the Act

DATE, TIME AND PLACE OF ELECTION

Thursday, October 27, 2016	2 00 p m to 3:30 p m	In the conference room at the Cytec Process Materials (CA) Inc.'s facility located at 12801 Ann Street, Santa Fe Springs, CA
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EMPLOYEES ARE FREE TO VOTE AT ANY TIME THE POLLS ARE OPEN.

	UNITED STATES OF AMERICA National Labor Relations Board 21-RC-185937 OFFICIAL SECRET BALLOT For certain employees of CYTEC PROCESS MATERIALS (CA) INC./SOURCE ONE STAFFING LLC	
Do you wish to be represented for purposes of collective bargaining by INTERNATIONAL ASSOCIATION OF MACHINISTS & AEROSPACE WORKERS, AFL-CIO, DISTRICT LODGE 725?		
MARK AN "X" IN THE SQUARE OF YOUR CHOICE		
YES <input type="checkbox"/>	NO <input type="checkbox"/>	
DO NOT SIGN THIS BALLOT. Fold and drop in the ballot box. If you spoil this ballot, return it to the Board Agent for a new one The National Labor Relations Board does not endorse any choice in this election. Any markings that you may see on any sample ballot have not been put there by the National Labor Relations Board		

WARNING This is the only official notice of this election and must not be defaced by anyone. Any markings that you may see on any sample ballot or anywhere on this notice have been made by someone other than the National Labor Relations Board, and have not been put there by the National Labor Relations Board. The National Labor Relations Board is an agency of the United States Government, and does not endorse any choice in the election.



United States of America
National Labor Relations Board
NOTICE OF ELECTION



RIGHTS OF EMPLOYEES - FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist a union
- Choose representatives to bargain with your employer on your behalf
- Act together with other employees for your benefit and protection
- Choose not to engage in any of these protected activities
- In a State where such agreements are permitted, the Union and Employer may enter into a lawful union-security agreement requiring employees to pay periodic dues and initiation fees. Nonmembers who inform the Union that they object to the use of their payments for nonrepresentational purposes may be required to pay only their share of the Union's costs of representational activities (such as collective bargaining, contract administration, and grievance adjustment).

It is the responsibility of the National Labor Relations Board to protect employees in the exercise of these rights.

The Board wants all eligible voters to be fully informed about their rights under Federal law and wants both Employers and Unions to know what is expected of them when it holds an election.

If agents of either Unions or Employers interfere with your right to a free, fair, and honest election the election can be set aside by the Board. When appropriate, the Board provides other remedies, such as reinstatement for employees fired for exercising their rights, including backpay from the party responsible for their discharge.

The following are examples of conduct that interfere with the rights of employees and may result in setting aside of the election:

- Threatening loss of jobs or benefits by an Employer or a Union
- Promising or granting promotions, pay raises, or other benefits, to influence an employee's vote by a party capable of carrying out such promises
- An Employer firing employees to discourage or encourage union activity or a Union causing them to be fired to encourage union activity
- Making campaign speeches to assembled groups of employees on company time, where attendance is mandatory, within the 24-hour period before the polls for the election first open or the mail ballots are dispatched in a mail ballot election
- Incitement by either an Employer or a Union of racial or religious prejudice by inflammatory appeals
- Threatening physical force or violence to employees by a Union or an Employer to influence their votes

The National Labor Relations Board protects your right to a free choice.

Improper conduct will not be permitted. All parties are expected to cooperate fully with this Agency in maintaining basic principles of a fair election as required by law.

Anyone with a question about the election may contact the NLRB Office at (213)894-5200 or visit the NLRB website www.nlrb.gov for assistance.

Exhibit E

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 21

NOV 21 2016

CYTEC PROCESS MATERIALS (CA) INC./
SOURCE ONE STAFFING, LLC

Employer

and

Case 21-RC-185937

INTERNATIONAL ASSOCIATION OF
MACHINISTS & AEROSPACE WORKERS,
AFL-CIO, DISTRICT LODGE 725

Petitioner

TYPE OF ELECTION: STIPULATED

CERTIFICATION OF REPRESENTATIVE

An election has been conducted under the Board's Rules and Regulations. The corrected Tally of Ballots shows that a collective-bargaining representative has been selected. No timely objections have been filed.

As authorized by the National Labor Relations Board, it is certified that a majority of the valid ballots has been cast for

INTERNATIONAL ASSOCIATION OF MACHINISTS &
AEROSPACE WORKERS, AFL-CIO, DISTRICT LODGE 725

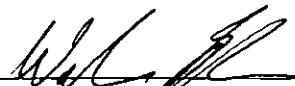
and that it is the exclusive collective-bargaining representative of the employees in the following appropriate unit:

INCLUDING: All full-time and regular part-time employees jointly employed by Cytec Process Materials (CA) Inc. and Source One Staffing, LLC at Cytec Process Materials (CA) Inc.'s facility currently located at 12801 Ann Street, Santa Fe Springs, California 90670.

EXCLUDING: All other employees of either Cytec Process Materials (CA) Inc. or Source One Staffing, LLC, office clerical employees, professional employees, managerial employees, confidential employees, guards, and supervisors as defined in the Act.



November 14, 2016


WILLIAM B. COWEN
Regional Director, Region 21
National Labor Relations Board

Attachment: Notice of Bargaining Obligation

NOTICE OF BARGAINING OBLIGATION

In the recent representation election, a labor organization received a majority of the valid votes cast. Except in unusual circumstances, unless the results of the election are subsequently set aside in a post-election proceeding, the employer's legal obligation to refrain from unilaterally changing bargaining unit employees' terms and conditions of employment begins on the date of the election.

The employer is not precluded from changing bargaining unit employees' terms and conditions during the pendency of post-election proceedings, **as long as** the employer (a) gives sufficient notice to the labor organization concerning the proposed change(s); (b) negotiates in good faith with the labor organization, upon request; and (c) good faith bargaining between the employer and the labor organization leads to agreement or overall lawful impasse.

This is so even if the employer, or some other party, files objections to the election pursuant to Section 102.69 of the Rules and Regulations of the National Labor Relations Board (the Board). If the objections are later overruled and the labor organization is certified as the employees' collective-bargaining representative, the employer's obligation to refrain from making unilateral changes to bargaining unit employees' terms and conditions of employment begins on the date of the election, not on the date of the subsequent decision by the Board or court. Specifically, the Board has held that, absent exceptional circumstances,¹ an employer acts at its peril in making changes in wages, hours, or other terms and conditions of employment during the period while objections are pending and the final determination about certification of the labor organization has not yet been made.

It is important that all parties be aware of the potential liabilities if the employer unilaterally alters bargaining unit employees' terms and conditions of employment during the pendency of post-election proceedings. Thus, typically, if an employer makes post-election changes in employees' wages, hours, or other terms and conditions of employment without notice to or consultation with the labor organization that is ultimately certified as the employees' collective-bargaining representative, it violates Section 8(a)(1) and (5) of the National Labor Relations Act since such changes have the effect of undermining the labor organization's status as the statutory representative of the employees. This is so even if the changes were motivated by sound business considerations and not for the purpose of undermining the labor organization. As a remedy, the employer could be required to: 1) restore the status quo ante; 2) bargain, upon request, with the labor organization with respect to these changes; and 3) compensate employees, with interest, for monetary losses resulting from the unilateral implementation of these changes, until the employer bargains in good faith with the labor organization, upon request, or bargains to overall lawful impasse.

¹ Exceptions may include the presence of a longstanding past practice, discrete event, or exigent economic circumstance requiring an immediate response.

Exhibit F

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 21**

**CYTEC PROCESS MATERIALS (CA) INC./
SOURCE ONE STAFFING, LLC**

\\ **Employer**

and

Case 21-RC-185937

**INTERNATIONAL ASSOCIATION OF
MACHINISTS & AEROSPACE WORKERS,
AFL-CIO, DISTRICT LODGE 725**

Petitioner

TYPE OF ELECTION: STIPULATED

CORRECTED - CERTIFICATION OF REPRESENTATIVE

An election has been conducted under the Board's Rules and Regulations. The Tally of Ballots shows that a collective-bargaining representative has been selected. No timely objections have been filed.

As authorized by the National Labor Relations Board, it is certified that a majority of the valid ballots has been cast for

**INTERNATIONAL ASSOCIATION OF MACHINISTS &
AEROSPACE WORKERS, AFL-CIO, DISTRICT LODGE 725**

and that it is the exclusive collective-bargaining representative of the employees in the following appropriate unit:

INCLUDING: All full-time and regular part-time employees jointly employed by Cytec Process Materials (CA) Inc. and Source One Staffing, LLC at Cytec Process Materials (CA) Inc.'s facility currently located at 12801 Ann Street, Santa Fe Springs, California 90670.

EXCLUDING: All other employees of either Cytec Process Materials (CA) Inc. or Source One Staffing LLC, office clerical employees, professional employees, managerial employees, confidential employees, guards, and supervisor as defined in the Act.

Because a majority of valid ballots were cast for INTERNATIONAL ASSOCIATION OF MACHINISTS & AEROSPACE WORKERS, AFL-CIO, DISTRICT LODGE 725, the employees in the unit described above are included in the existing unit of all full-time and regular part-time machine operators in the Technology Department currently represented by INTERNATIONAL ASSOCIATION OF MACHINISTS & AEROSPACE WORKERS, AFL-CIO, DISTRICT LODGE 725.



December 16, 2016

WILLIAM B. COWEN
Regional Director, Region 21
National Labor Relations Board

Attachment: Notice of Bargaining Obligation

NOTICE OF BARGAINING OBLIGATION

In the recent representation election, a labor organization received a majority of the valid votes cast. Except in unusual circumstances, unless the results of the election are subsequently set aside in a post-election proceeding, the employer's legal obligation to refrain from unilaterally changing bargaining unit employees' terms and conditions of employment begins on the date of the election.

The employer is not precluded from changing bargaining unit employees' terms and conditions during the pendency of post-election proceedings, **as long as** the employer (a) gives sufficient notice to the labor organization concerning the proposed change(s); (b) negotiates in good faith with the labor organization, upon request; and (c) good faith bargaining between the employer and the labor organization leads to agreement or overall lawful impasse.

This is so even if the employer, or some other party, files objections to the election pursuant to Section 102.69 of the Rules and Regulations of the National Labor Relations Board (the Board). If the objections are later overruled and the labor organization is certified as the employees' collective-bargaining representative, the employer's obligation to refrain from making unilateral changes to bargaining unit employees' terms and conditions of employment begins on the date of the election, not on the date of the subsequent decision by the Board or court. Specifically, the Board has held that, absent exceptional circumstances,¹ an employer acts at its peril in making changes in wages, hours, or other terms and conditions of employment during the period while objections are pending and the final determination about certification of the labor organization has not yet been made.

It is important that all parties be aware of the potential liabilities if the employer unilaterally alters bargaining unit employees' terms and conditions of employment during the pendency of post-election proceedings. Thus, typically, if an employer makes post-election changes in employees' wages, hours, or other terms and conditions of employment without notice to or consultation with the labor organization that is ultimately certified as the employees' collective-bargaining representative, it violates Section 8(a)(1) and (5) of the National Labor Relations Act since such changes have the effect of undermining the labor organization's status as the statutory representative of the employees. This is so even if the changes were motivated by sound business considerations and not for the purpose of undermining the labor organization. As a remedy, the employer could be required to: 1) restore the status quo ante; 2) bargain, upon request, with the labor organization with respect to these changes; and 3) compensate employees, with interest, for monetary losses resulting from the unilateral implementation of these changes, until the employer bargains in good faith with the labor organization, upon request, or bargains to overall lawful impasse.

¹ Exceptions may include the presence of a longstanding past practice, discrete event, or exigent economic circumstance requiring an immediate response.

Exhibit G

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 21**

**CYTEC PROCESS MATERIALS (CA) INC./
SOURCE ONE STAFFING, LLC**

Employer

and

Case 21-RC-185937

**INTERNATIONAL ASSOCIATION OF
MACHINISTS & AEROSPACE WORKERS,
AFL-CIO, DISTRICT LODGE 725**

Petitioner

ORDER DENYING MOTION FOR RECONSIDERATION

Pursuant to a petition filed on October 11, 2016, the above-captioned parties entered into a Stipulated Election Agreement, which was approved on October 19, 2016. (Copy attached as Exhibit A.) The Stipulated Election Agreement, which included the below language, set forth that unit employees would vote in an *Armour-Globe* election.¹

If a majority of valid ballots are cast for INTERNATIONAL ASSOCIATION OF MACHINISTS & AEROSPACE WORKERS, AFL-CIO, DISTRICT LODGE 725, they will be taken to have indicated the employees' desire to be included in the existing unit of all full-time and regular part-time machine operators in the Technology Department currently represented by INTERNATIONAL ASSOCIATION OF MACHINISTS & AEROSPACE WORKERS, AFL-CIO, DISTRICT LODGE 725. If a majority of valid ballots are not cast for representation, they will be taken to have indicated the employees' desire to remain unrepresented.

The election was conducted on October 27, 2016. The tally of ballots prepared at the conclusion of the election, and the corrected tally of ballots issued later the same day, showed that of the approximately eight of eligible voters, eight votes were cast for and zero votes were cast against the Petitioner, with no challenged ballots. No timely objections were filed. Accordingly, on November 14, 2016, a Certification of Representative issued to the Petitioner. However, due to a clerical error, *Armour-Globe* language was not included in that Certification confirming the unit employees' desire to be included in the existing unit of all full-time and regular part-time machine operators in the Technology Department currently represented by the Petitioner.

¹ An *Armour-Globe* election is an election in which the incumbent representative of employees in a partially organized plant seeks to add a group of residual unrepresented employees to its existing unit. *Armour & Co.*, 40 NLRB 1332 (1942); *Globe Machine & Stamping Co.*, 3 NLRB 294 (1937).

Thereafter, on December 16, 2016, a Corrected - Certification of Representative issued including the correct *Armour-Globe* language.²


Because a majority of valid ballots were cast for INTERNATIONAL ASSOCIATION OF MACHINISTS & AEROSPACE WORKERS, AFL-CIO, DISTRICT LODGE 725, the employees in the unit described above are included in the existing unit of all full-time and regular part-time machine operators in the Technology Department currently represented by INTERNATIONAL ASSOCIATION OF MACHINISTS & AEROSPACE WORKERS, AFL-CIO, DISTRICT LODGE 725.

On January 4, 2017, counsel for Cytec Process Materials (CA) Inc. filed a letter with the undersigned complaining that the issuance of the Corrected - Certification of Representative was inappropriate, should be rescinded, and the original Certification of Representative should be reinstated. I will consider this letter as a motion for reconsideration of the Corrected - Certification of Representative. In its Motion, the Employer posits that the Stipulated Election Agreement is silent regarding any details of an *Armour-Globe* election, and no investigation was conducted regarding the appropriateness of a combined unit.

In the Stipulated Election Agreement Cytec Process Materials (CA) Inc. and Source One Staffing, LLC stipulated that they are joint employers in this matter. Additionally, representatives of both joint employers, and the Petitioner, executed the Stipulated Election Agreement, which, at the top of page three, explicitly details that unit employees would vote in an *Armour-Globe* election. Thus, pursuant to the parties' agreement to participate in an *Armour-Globe* election, no investigation regarding the appropriateness of a combined unit was necessary. Accordingly,

I find that the Corrected - Certification of Representative was appropriately issued in this matter, and hereby deny the Motion for Reconsideration.

Dated: January 12, 2017



WILLIAM B. COWEN
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 21
888 S Figueroa St Fl 9
Los Angeles, CA 90017-5449

² Copy attached as Exhibit B.

Exhibit A

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
STIPULATED ELECTION AGREEMENT

**CYTEC PROCESS MATERIALS (CA) INC./SOURCE ONE
STAFFING, LLC**

Case 21-RC-185937

The parties **AGREE AS FOLLOWS:**

1. PROCEDURAL MATTERS. The parties waive their right to a hearing and agree that any notice of hearing previously issued in this matter is withdrawn, that the petition is amended to conform to this Agreement, and that the record of this case shall include this Agreement and be governed by the Board's Rules and Regulations.

2. COMMERCE. The Joint Employers, Cytec Process Materials (CA) Inc. and Source One Staffing, LLC, are engaged in commerce within the meaning of Section 2(6) and (7) of the National Labor Relations Act and a question affecting commerce has arisen concerning the representation of employees within the meaning of Section 9(c).

Cytec Process Materials (CA) Inc., a California corporation with an office and place of business in Santa Fe Springs, California, and is engaged in the manufacturing and distribution of materials for the aerospace and wind energy markets. During the past 12 months, a representative period, Cytec Process Materials (CA) Inc. purchased and received at its Santa Fe Springs, California facility goods in excess of \$50,000 directly from points outside the State of California.

Source One Staffing, LLC, a California limited liability company with an office and place of business in Irwindale, California, is engaged in the business of providing temporary staffing agency services. During the past 12 months, a representative period, Source One Staffing performed services valued in excess of \$50,000 for public utilities, transit systems, newspapers, healthcare institutions, broadcasting stations, commercial buildings, and educational institutions.

Cytec Process Materials (CA) Inc. and Source One Staffing, LLC, are joint employers of certain employees of Cytec Process Materials (CA) Inc. and Source One Staffing, LLC employed at Cytec Process Materials (CA) Inc.'s Santa Fe Springs, California facility.

3. LABOR ORGANIZATION. The Petitioner is an organization in which employees participate, and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work and is a labor organization within the meaning of Section 2(5) of the Act.

4. ELECTION. A secret-ballot election under the Board's Rules and Regulations shall be held under the supervision of the Regional Director on the date and at the hours and places specified below.

DATE: October 27, 2016

HOURS: 2:00 p.m. to 3:30 p.m.

PLACE: In the conference room at the Cytec Process Materials (CA) Inc.'s facility located at 12801 Ann Street, Santa Fe Springs, California 90670

If the election is postponed or canceled, the Regional Director, in his or her discretion, may reschedule the date, time, and place of the election.

Initials: 

5. UNIT AND ELIGIBLE VOTERS. The following unit is appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

INCLUDING: All full-time and regular part-time employees jointly employed by Cytec Process Materials (CA) Inc. and Source One Staffing, LLC at Cytec Process Materials (CA) Inc.'s facility currently located at 12801 Ann Street, Santa Fe Springs, California 90670.

EXCLUDING: All other employees of either Cytec Process Materials (CA) Inc. or Source One Staffing LLC, office clerical employees, professional employees, managerial employees, confidential employees, guards and supervisor as defined in the Act

Those eligible to vote in the election are employees in the above unit who were employed during the **payroll period ending October 16, 2016**, including employees who did not work during that period because they were ill, on vacation, or were temporarily laid off.

Employees engaged in any economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, employees engaged in an economic strike which commenced less than 12 months before the election date, who have retained their status as strikers but who have been permanently replaced, as well as their replacements are eligible to vote. Employees who are otherwise eligible but who are in the military services of the United States may vote if they appear in person at the polls or by mail as described above in paragraph 4.

Ineligible to vote are (1) employees who have quit or been discharged for cause after the designated payroll period for eligibility, (2) employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and (3) employees engaged in an economic strike which began more than 12 months before the election date who have been permanently replaced.

6. VOTER LIST. Within 2 business days after the Regional Director has approved this Agreement, the Joint Employers must provide to the Regional Director and all of the other parties a voter list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available personal home and cellular telephone numbers) of all eligible voters. The Joint Employers must also include, in a separate section of that list, the same information for those individuals whom the parties have agreed should be permitted to vote subject to challenge. The list must be filed in common, everyday electronic file formats that can be searched. Unless otherwise agreed to by the parties, the list must be provided in a table in a Microsoft Word file (.doc or docx) or a file that is compatible with Microsoft Word (.doc or docx). The first column of the list must begin with each employee's last name and the list must be alphabetized (overall or by department) by last name. The font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. When feasible, the list must be filed electronically with the Regional Director and served electronically on the parties. The Joint Employers must file with the Regional Director a certificate of service of the list on all parties.

7. THE BALLOT. The Regional Director, in his or her discretion, will decide the language(s) to be used on the election ballot. All parties should notify the Region as soon as possible of the need to have the Notice of Election and/or ballots translated.

The question on the ballot will be "Do you wish to be represented for purposes of collective bargaining by INTERNATIONAL ASSOCIATION OF MACHINISTS & AEROSPACE WORKERS, AFL-CIO, DISTRICT LODGE 725?" The choices on the ballot will be "Yes" or "No"

Initials: 

If a majority of valid ballots are cast for INTERNATIONAL ASSOCIATION OF MACHINISTS & AEROSPACE WORKERS, AFL-CIO, DISTRICT LODGE 725, they will be taken to have indicated the employees' desire to be included in the existing unit of all full-time and regular part-time machine operators in the Technology Department currently represented by INTERNATIONAL ASSOCIATION OF MACHINISTS & AEROSPACE WORKERS, AFL-CIO, DISTRICT LODGE 725. If a majority of valid ballots are not cast for representation, they will be taken to have indicated the employees' desire to remain unrepresented.

8. NOTICE OF ELECTION. The Regional Director, in his or her discretion, will decide the language(s) to be used on the Notice of Election. The Joint Employers must post copies of the Notice of Election in conspicuous places, including all places where notices to employees in the unit are customarily posted, at least three (3) full working days prior to 12:01 a.m. of the day of the election. The Joint Employers must also distribute the Notice of Election electronically, if the Joint Employers customarily communicate with employees in the unit electronically. Failure to post or distribute the Notice of Election as required shall be grounds for setting aside the election whenever proper and timely objections are filed.

9. NOTICE OF ELECTION ONSITE REPRESENTATIVE. The following individual will serve as the Joint Employer's designated Notice of Election onsite representative: Rosa Bross, Human Resources Manager, 12801 Ann Street, Santa Fe Springs, California 90670 rosa.bross@solvay.com, ph: 562-941-9505

10. ACCOMMODATIONS REQUIRED. All parties should notify the Region as soon as possible of any voters, potential voters, or other participants in this election who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.503, and who in order to participate in the election need appropriate auxiliary aids, as defined in 29 C.F.R. 100.503, and request the necessary assistance.

11. OBSERVERS. Each party may station an equal number of authorized, nonsupervisory-employee observers at the polling places to assist in the election, to challenge the eligibility of voters, and to verify the tally.

12. TALLY OF BALLOTS. Upon conclusion of the election, the ballots will be counted and a tally of ballots prepared and immediately made available to the parties.

13. POSTELECTION AND RUNOFF PROCEDURES. All procedures after the ballots are counted shall conform with the Board's Rules and Regulations.

**CYTEC INDUSTRIAL MATERIALS (CA)
INC.**

(Joint Employer)

By

(Name)

(Date)

**INTERNATIONAL ASSOCIATION OF
MACHINISTS & AEROSPACE WORKERS,
AFL-CIO, DISTRICT LODGE 725**

(Petitioner)

By

(Name)

(Date)

Initials: OPA

SOURCE ONE STAFFING, LLC

(Joint Employer)

By _____

Recommended:

 10/18/16
BRYAN LOPEZ, Field Attorney (Date)

Date approved:

10-19-16



Regional Director, Region 21
National Labor Relations Board

1

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
STIPULATED ELECTION AGREEMENT

**CYTEC PROCESS MATERIALS (CA) INC./SOURCE ONE
STAFFING, LLC**

Case 21-RC-185937

The parties **AGREE AS FOLLOWS:**

1. PROCEDURAL MATTERS. The parties waive their right to a hearing and agree that any notice of hearing previously issued in this matter is withdrawn, that the petition is amended to conform to this Agreement, and that the record of this case shall include this Agreement and be governed by the Board's Rules and Regulations.

2. COMMERCE. The Joint Employers, Cytec Process Materials (CA) Inc. and Source One Staffing, LLC, are engaged in commerce within the meaning of Section 2(6) and (7) of the National Labor Relations Act and a question affecting commerce has arisen concerning the representation of employees within the meaning of Section 9(c).

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Source One Staffing, LLC, a California limited liability company with an office and place of business in Irwindale, California, is engaged in the business of providing temporary staffing agency services. During the past 12 months, a representative period, Source One Staffing performed services valued in excess of \$50,000 for public utilities, transit systems, newspapers, healthcare institutions, broadcasting stations, commercial buildings, and educational institutions.

Cytec Process Materials (CA) Inc. and Source One Staffing, LLC, are joint employers of certain employees of Cytec Process Materials (CA) Inc. and Source One Staffing, LLC employed at Cytec Process Materials (CA) Inc.'s Santa Fe Springs, California facility,

3. LABOR ORGANIZATION. The Petitioner is an organization in which employees participate, and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work and is a labor organization within the meaning of Section 2(5) of the Act.

4. ELECTION. A secret-ballot election under the Board's Rules and Regulations shall be held under the supervision of the Regional Director on the date and at the hours and places specified below.

DATE: October 27, 2016

HOURS: 2:00 p.m. to 3:30 p.m.

PLACE: In the conference room at the Cytec Process Materials (CA) Inc.'s facility located at 12801 Ann Street, Santa Fe Springs, California 90670

If the election is postponed or canceled, the Regional Director, in his or her discretion, may reschedule the date, time, and place of the election.

Initials 

5. UNIT AND ELIGIBLE VOTERS. The following unit is appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

INCLUDING: All full-time and regular part-time employees jointly employed by Cytec Process Materials (CA) Inc. and Source One Staffing, LLC at Cytec Process Materials (CA) Inc.'s facility currently located at 12801 Ann Street, Santa Fe Springs, California 90670.

EXCLUDING: All other employees of either Cytec Process Materials (CA) Inc. or Source One Staffing LLC, office clerical employees, professional employees, managerial employees, confidential employees, guards and supervisor as defined in the Act

Those eligible to vote in the election are employees in the above unit who were employed during the payroll period ending October 16, 2016, including employees who did not work during that period because they were ill, on vacation, or were temporarily laid off.

Employees engaged in any economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, employees engaged in an economic strike which commenced less than 12 months before the election date, who have retained their status as strikers but who have been permanently replaced, as well as their replacements are eligible to vote. Employees who are otherwise eligible but who are in the military services of the United States may vote if they appear in person at the polls or by mail as described above in paragraph 4.

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**CYTEC INDUSTRIAL MATERIALS (CA)
INC.**

(Joint Employer)

**INTERNATIONAL ASSOCIATION OF
MACHINISTS & AEROSPACE WORKERS,
AFL-CIO, DISTRICT LODGE 725**

(Petitioner)

By

(Name)

(Date)

By

(Name)

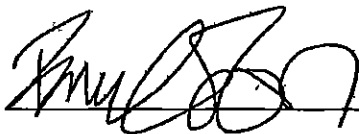
(Date)

Initials: 

SOURCE ONE STAFFING, LLC

(Joint Employer)

By



10-18-16

Recommended:



10/18/16

BRYAN LOPEZ, Field Attorney (Date)

Date approved:

10-19-16



Regional Director, Region 21

National Labor Relations Board

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
STIPULATED ELECTION AGREEMENT

**CYTEC PROCESS MATERIALS (CA) INC./SOURCE ONE
STAFFING, LLC**

Case 21-RC-185937

The parties **AGREE AS FOLLOWS:**

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PLACE: In the conference room at the Cytec Process Materials (CA) Inc.'s facility located at 12801 Ann Street, Santa Fe Springs, California 90670

If the election is postponed or canceled, the Regional Director, in his or her discretion, may reschedule the date, time, and place of the election.

Initials: CPS 9/18
Page 1

5. UNIT AND ELIGIBLE VOTERS. The following unit is appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

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Those eligible to vote in the election are employees in the above unit who were employed during the **payroll period ending October 16, 2016**, including employees who did not work during that period because they were ill, on vacation, or were temporarily laid off.

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7. THE BALLOT. The Regional Director, in his or her discretion, will decide the language(s) to be used on the election ballot. All parties should notify the Region as soon as possible of the need to have the Notice of Election and/or ballots translated.

The question on the ballot will be "Do you wish to be represented for purposes of collective bargaining by INTERNATIONAL ASSOCIATION OF MACHINISTS & AEROSPACE WORKERS, AFL-CIO, DISTRICT LODGE 725?" The choices on the ballot will be "Yes" or "No"

Initials: sp 10/10

If a majority of valid ballots are cast for INTERNATIONAL ASSOCIATION OF MACHINISTS & AEROSPACE WORKERS, AFL-CIO, DISTRICT LODGE 725, they will be taken to have indicated the employees' desire to be included in the existing unit of all full-time and regular part-time machine operators in the Technology Department currently represented by INTERNATIONAL ASSOCIATION OF MACHINISTS & AEROSPACE WORKERS, AFL-CIO, DISTRICT LODGE 725. If a majority of valid ballots are not cast for representation, they will be taken to have indicated the employees' desire to remain unrepresented.

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**CYTEC INDUSTRIAL MATERIALS (CA)
INC.**

(Joint Employer)

By

(Name)

(Date)

**INTERNATIONAL ASSOCIATION OF
MACHINISTS & AEROSPACE WORKERS,
AFL-CIO, DISTRICT LODGE 725**

(Petitioner)

By

(Name)

(Date)

10/18/16

Initials: _____

SOURCE ONE STAFFING, LLC

(Joint Employer)

By _____

Recommended:

Bryan Lopez 10/18/16
BRYAN LOPEZ, Field Attorney (Date)

Date approved:

10-11-16

William M. Pate
Regional Director, Region 21

National Labor Relations Board

cps 10/18

Exhibit B

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 21**

**CYTEC PROCESS MATERIALS (CA) INC./
SOURCE ONE STAFFING, LLC**

Employer

and

Case 21-RC-185937

**INTERNATIONAL ASSOCIATION OF
MACHINISTS & AEROSPACE WORKERS,
AFL-CIO, DISTRICT LODGE 725**

Petitioner

TYPE OF ELECTION: STIPULATED

CORRECTED - CERTIFICATION OF REPRESENTATIVE

An election has been conducted under the Board's Rules and Regulations. The Tally of Ballots shows that a collective-bargaining representative has been selected. No timely objections have been filed.

As authorized by the National Labor Relations Board, it is certified that a majority of the valid ballots has been cast for

**INTERNATIONAL ASSOCIATION OF MACHINISTS &
AEROSPACE WORKERS, AFL-CIO, DISTRICT LODGE 725**

and that it is the exclusive collective-bargaining representative of the employees in the following appropriate unit:

INCLUDING: All full-time and regular part-time employees jointly employed by Cytec Process Materials (CA) Inc. and Source One Staffing, LLC at Cytec Process Materials (CA) Inc.'s facility currently located at 12801 Ann Street, Santa Fe Springs, California 90670.

EXCLUDING: All other employees of either Cytec Process Materials (CA) Inc. or Source One Staffing LLC, office clerical employees, professional employees, managerial employees, confidential employees, guards, and supervisor as defined in the Act.

Because a majority of valid ballots were cast for INTERNATIONAL ASSOCIATION OF MACHINISTS & AEROSPACE WORKERS, AFL-CIO, DISTRICT LODGE 725, the employees in the unit described above are included in the existing unit of all full-time and regular part-time machine operators in the Technology Department currently represented by INTERNATIONAL ASSOCIATION OF MACHINISTS & AEROSPACE WORKERS, AFL-CIO, DISTRICT LODGE 725.



December 16, 2016

WILLIAM B. COWEN
Regional Director, Region 21
National Labor Relations Board

Attachment: Notice of Bargaining Obligation

NOTICE OF BARGAINING OBLIGATION

In the recent representation election, a labor organization received a majority of the valid votes cast. Except in unusual circumstances, unless the results of the election are subsequently set aside in a post-election proceeding, the employer's legal obligation to refrain from unilaterally changing bargaining unit employees' terms and conditions of employment begins on the date of the election.

The employer is not precluded from changing bargaining unit employees' terms and conditions during the pendency of post-election proceedings, **as long as** the employer (a) gives sufficient notice to the labor organization concerning the proposed change(s); (b) negotiates in good faith with the labor organization, upon request; and (c) good faith bargaining between the employer and the labor organization leads to agreement or overall lawful impasse.

This is so even if the employer, or some other party, files objections to the election pursuant to Section 102.69 of the Rules and Regulations of the National Labor Relations Board (the Board). If the objections are later overruled and the labor organization is certified as the employees' collective-bargaining representative, the employer's obligation to refrain from making unilateral changes to bargaining unit employees' terms and conditions of employment begins on the date of the election, not on the date of the subsequent decision by the Board or court. Specifically, the Board has held that, absent exceptional circumstances,¹ an employer acts at its peril in making changes in wages, hours, or other terms and conditions of employment during the period while objections are pending and the final determination about certification of the labor organization has not yet been made.

It is important that all parties be aware of the potential liabilities if the employer unilaterally alters bargaining unit employees' terms and conditions of employment during the pendency of post-election proceedings. Thus, typically, if an employer makes post-election changes in employees' wages, hours, or other terms and conditions of employment without notice to or consultation with the labor organization that is ultimately certified as the employees' collective-bargaining representative, it violates Section 8(a)(1) and (5) of the National Labor Relations Act since such changes have the effect of undermining the labor organization's status as the statutory representative of the employees. This is so even if the changes were motivated by sound business considerations and not for the purpose of undermining the labor organization. As a remedy, the employer could be required to: 1) restore the status quo ante; 2) bargain, upon request, with the labor organization with respect to these changes; and 3) compensate employees, with interest, for monetary losses resulting from the unilateral implementation of these changes, until the employer bargains in good faith with the labor organization, upon request, or bargains to overall lawful impasse.

¹ Exceptions may include the presence of a longstanding past practice, discrete event, or exigent economic circumstance requiring an immediate response.

**UNITED STATE OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 21**

**CYTEC PROCESS MATERIALS (CA) INC. /
SOURCE ONE STAFFING, LLC,**

Employer,

Case 21-RC-185937

and

**INTERNATIONAL ASSOCIATION OF
MACHINISTS & AEROSPACE WORKERS,
AFL-CIO, DISTRICT LODGE 725,**

Petitioner.

_____ /

CERTIFICATE OF SERVICE

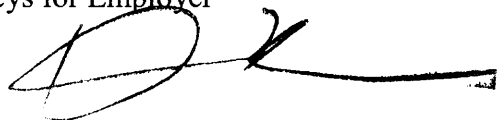
This is to certify that on this 26th day of January, 2017, a copy of Cytec Process Materials (CA) Inc.'s REQUEST FOR REVIEW (and all attachments) was electronically filed with the Office of Executive Secretary/Board and Region 21 using the NLRB's E-Filing system on the Agency's website at www.nlr.gov and was served electronically on this date on counsel for Petitioner and counsel for Source One Staffing using the following e-mail addresses:

Counsel for Petitioner: Caren Sencer - csencer@unioncounsel.net

Counsel for Source One Staffing: Anthony Amendola – aja@msk.com

MILLER JOHNSON
Attorneys for Employer

By



David M. Buday (P43087)

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Dated: January 26, 2017